

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46039 of 2024

Arising Out of PS. Case No.-76 Year-2024 Thana- SRINAGAR District- West Champaran

1. Shankar Mahto, Son Of Late Jhakar Mahto Village- Ward No. 13, Kohada Mushari Tola, Fulwariya Tola, Bhawanipur, P.S.- Srinagar, Distt.- West Champaran
2. Yogendra Prasad @ Yogendra Mahto, Son Of Shankar Mahto Village- Ward No. 13, Kohada Mushari Tola, Fulwariya Tola, Bhawanipur, P.S.- Srinagar, Distt.- West Champaran
3. Jayprakash Prasad @ Prakash Mahto, Son Of Shankar Mahto Village- Ward No. 13, Kohada Mushari Tola, Fulwariya Tola, Bhawanipur, P.S.- Srinagar, Distt.- West Champaran

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Umesh Kumar Gupta
For the Opposite Party/s : Mr.Md. Nazir Ansari

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 18-07-2024 1. Heard learned counsel for the petitioners and learned APP for the State.
2. The petitioners seek bail in anticipation of their arrest in a case registered for the offences punishable under Sections 30(a) and 45 of the Excise Act and Section 353 of the I.P.C.
3. The learned counsel for the petitioners submits that the petitioner no.1 is person with clean antecedent, petitioner no.2 has antecedent of two cases and petitioner no.3 has antecedent of one case and the allegation is of recovery of 18



litres of liquor from two motorcycles and Raj Kishore, Guddu, Dilip and Ranjan were arrested, but Dilip and Ranjan fled pushing the police personnel and came back with five other accused and threatened the police force.

4. The learned counsel for the petitioners submits that from bare perusal of the allegation as alleged in the F.I.R., it would manifest that the petitioners were not arrested from the spot rather allegation against them is that they accompanied Dilip and Ranjan and threatened the police personnel and they came to be identified by the Chaukidar. It is further submitted that petitioners have been falsely implicated by the Chaukidar as they are on an inimical term with the Chaukidar. It is next submitted that it is not the case of the prosecution that petitioners were arrested initially with liquor.

5. Learned A.P.P. opposes the anticipatory bail application.

6. Considering the submissions made by the learned counsel for the petitioners, the petitioners, above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on bail on their furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like



amount each to the satisfaction of the learned Exclusive Special Judge Excise-II, Bettiah, West Champaran in connection with Srinagar P. S. Case No.76 of 2024, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

8. It is made clear that the learned trial Court before accepting the bail bonds of the petitioner shall verify the criminal antecedent of the petitioner and in the event, if it is found that petitioner no.1 has antecedent of even one case and petitioner no.2 has antecedent of more than two cases and petitioner no.3 has antecedent of more than one case, in that event, the present anticipatory bail application shall not be given effect to.

(Satyavrat Verma, J)

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